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ADOBE SYSTEMS INCORPORATED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

TEXTSCAPE LLC, a New Jersey
Corporation,,

Plaintiff,

v.

ADOBE SYSTEMS INCORPORATED, a
Delaware Corporation,

Defendant.

Case No. 3:09-CV-04550 BZ

**STIPULATION AND ORDER FOR
ENLARGEMENT OF TIME PURSUANT
TO LOCAL RULES 6-1 and 6-2**

STIPULATION

Pursuant to Civil Local Rules 6-1 and 6-2, the parties hereto, by and through their counsel, stipulate to an enlargement of time to respond to the Complaint, and to change the deadlines imposed by the Court's previous Order Enlarging Time Pursuant to Civil Local Rules 6-3 and 16-2(d) [Docket Index ("D.I.") No. 10] as more fully set forth below.

DECLARATION OF THEODORE T. HERHOLD

I, Theodore T. Herhold, declare as follows:

1. I am a partner in the law firm of Townsend and Townsend and Crew LLP (“Townsend”), appearing for Defendant Adobe Systems Incorporated (“Adobe”) in this matter.

2. On September 25, 2009, Plaintiff Textscape LLC (“Textscape”) filed its Complaint in the above-captioned matter.

3. On September 25, 2009, this Court issued its Order Setting Initial Case Management Conference [D.I. No. 3]. In the September 25, 2009 Order, the Court set the deadline to meet and confer, and to file either a Stipulation to ADR Process or Notice of Need for ADR Phone Conference as December 14, 2009. The Court also set December 28, 2009 as the deadline to file a Rule 26(f) Report, to complete initial disclosures, and to file a Case Management Statement. The Court scheduled the Initial Case Management Conference (“CMC”) for January 4, 2010.

4. On December 14, 2009, Adobe was served with the Summons and Complaint. Accordingly, absent an extension of time, Adobe must answer or otherwise respond to the Complaint on or before January 4, 2010.

5. On December 15, 2009, before Adobe retained counsel in this matter, Textscape filed a Motion for Enlargement of Time Pursuant to Civil Local Rules 6-3 and 16-2(d) [D.I. No. 9], in which it asked the Court to extend the various deadlines set forth in the Court’s September 25, 2009 Order, including the date for the CMC.

6. On December 16, 2009, the Court granted Textscape’s motion and issued its Order Enlarging Time Pursuant to Civil Local Rules 6-3 and 16-2(d) [D.I. No. 10]. In its Order, the Court set the following deadlines in the case:

CURRENT DEADLINES

Deadline for Adobe to respond to Complaint	January 4, 2010
Deadline to meet and confer re initial disclosures, early settlement, ADR process selection, and discovery plan	January 11, 2010
Deadline to file either a Stipulation to ADR Process or Notice of Need for ADR Phone Conference	January 11, 2010

1 Deadline to file Rule 26(f) Report, complete initial January 25, 2010
disclosures or state objection in Rule 26(f) Report and file
2 Case Management Statement

3 Initial Case Management Conference (CMC) February 1, 2010 at 4:00 p.m.

4 7. On December 23, 2009, Adobe retained Townsend to represent it in this matter.

5 8. On December 23, 2009, I called counsel for Textscape, Edward Goldstein, and
6 requested a 3-week extension of time in which to answer or otherwise respond to the Complaint,
7 or up to and including January 25, 2009. I also requested that the various deadlines set forth in the
8 Court's December 16, 2009 Order, including the date for the CMC, be extended accordingly. Mr.
9 Goldstein agreed to the requests.

10 9. Accordingly, in order to give the parties sufficient time to meet and confer and
11 otherwise meet the deadlines imposed by the Court, the parties agree to a further extension of the
12 deadlines as follows:

13 REQUESTED DEADLINES

14 Deadline for Adobe to respond to Complaint January 25, 2010

15 Deadline to meet and confer re initial disclosures, early February 1, 2010
settlement, ADR process selection, and discovery plan

16 Deadline to file either a Stipulation to ADR Process or February 1, 2010
17 Notice of Need for ADR Phone Conference

18 Deadline to file Rule 26(f) Report, complete initial February 15, 2010
disclosures or state objection in Rule 26(f) Report and file
19 Case Management Statement

20 Initial Case Management Conference (CMC) February 22, 2010 at 4:00 p.m.

21 I declare under penalty of perjury under the laws of the United States that the foregoing is
22 true and correct and that this Declaration was executed on December 23, 2009 in Palo Alto,
23 California.

24
25 /s/ Theodore T. Herhold
Theodore T. Herhold

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1 DATED: December 23, 2009

Respectfully submitted,

2 TOWNSEND AND TOWNSEND AND CREW LLP

3
4 By: /s/ Theodore T. Herhold

Theodore T. Herhold

5 Attorneys for Defendant
6 ADOBE SYSTEMS INCORPORATED, A
CALIFORNIA CORPORATION

7 DATED: December 23, 2009

Respectfully submitted,

8 GOLDSTEIN, FAUCETT & PREBEG, LLP
9 DERGOSITS & NOAH, LLP

10
11 By: /s/ Edward W. Goldstein by Permission TTH

Edward W. Goldstein

12 Attorneys for Plaintiff
13 TEXTSCAPE LLC

14 **ATTESTATION CLAUSE REGARDING SIGNATURES**

15 Pursuant to General Order No. 45, Section X(B) regarding signatures, I attest under
16 penalty of perjury that I have on file permission to sign for co-counsel indicated by a “conformed”
17 signature (/s/) within this e-filed document.

18
19 /s/ Theodore T. Herhold

20 Theodore T. Herhold

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ORDER

PURSUANT TO STIPULATION, IT IS HEREBY ORDERED that the following deadlines shall apply in this case:

Deadline for Adobe to respond to Complaint	January 25, 2009
Deadline to meet and confer re initial disclosures, early settlement, ADR process selection, and discovery plan	February 1, 2010
Deadline to file either a Stipulation to ADR Process or Notice of Need for ADR Phone Conference	February 1, 2010
Deadline to file Rule 26(f) Report, complete initial disclosures or state objection in Rule 26(f) Report and file Case Management Statement	February 15, 2010
Initial Case Management Conference (CMC)	February 22, 2010 at 4:00 p.m.

Dated: _____
Magistrate Judge Bernard Zimmerman
United States District Judge

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